

SFW

IN THE UNITED STATES PATENT  
AND TRADEMARK OFFICE

Applicant: Otto Phanstiel IV  
Serial No.: 10/667,288  
Filed: 09/27/02  
For: COMPOUNDS AND METHOD FOR ENHANCING THE EFFICACY OF ANTI-CANCER  
DRUGS  
Examiner: Peter G. O' Sullivan      Group: 1621      Paper No.:

ELECTION

Commissioner of Patents  
and Trademarks  
P O Box 1450  
Alexandria, VA 22313-1450

Sir:

In response to the Examiner's Action mailed December 14, 2004, Applicant elects to prosecute claims 1-25 drawn to polyamine compounds, classified in class 514, subclass 654+, of Invention I, with traverse.

The examiner restricted the invention to:

Invention one (I) Claims 1-25 drawn to polyamine compounds, classified in class 514, subclass 654+

Invention two (II) Claims 26-30 drawn to processes of preparing polyamine compounds, classified in class 564, subclass 374+

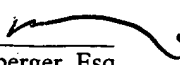
Applicant further elects to prosecute the single compound of "N-4-aminobutyl)N-anthracen-9-ylmethyl-butane-1,4-diamine, trihydrochloride" with traverse. This compound is described on page 31 of the specification.

A policy consideration behind a restriction requirement would suggest that separate inventions exist that inherently would include separate prior art searches, examinations, examiners, etc. The Primary Examiner does not state that different art units and/or different examiners would need to search and examine the inventions of Invention I and II. If Inventions I and II can be searched by the same art unit and further by the same examiner, then having different examiners conduct separate searches and examinations would create an undue time and financial burden on both the patent office and on the applicants.

Thus, any restriction requirement could have the effect of having different examiners working on the other inventions. Further, multiple examinations on these inventions would be repetitive and excessive.

For these reasons, Applicants request reconsideration and withdrawal of the restriction requirement.

Respectfully Submitted:

  
Brian S. Steinberger, Esq.  
Registration No. 36,423  
Law Offices of Brian S. Steinberger, P. A.  
101 Brevard Avenue  
Cocoa, Florida 32931  
Telephone: (321) 633-5080 Fax: (321) 633-9322

Date

1/14/05



IN THE UNITED STATES PATENT  
AND TRADEMARK OFFICE

Applicant: Otto Phanstiel  
Serial No.: 10/667,288  
Filed: 09/27/02  
For: COMPOUNDS AND METHOD FOR ENHANCING THE EFFICACY OF ANTI-CANCER  
DRUGS  
Examiner: Peter G. O'Sullivan      Group: 1621      Paper No.:

ELECTION

Commissioner of Patents  
and Trademarks  
P O Box 1450  
Alexandria, VA 22313-1450


Honorable Commissioner:

I enclose the following papers:

1. ELECTION

Please enter the above correspondence.

Respectfully submitted,

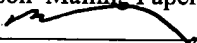
  
Brian S. Steinberger  
PTO Registration No. 36,423  
Client No.: 23717  
101 Brevard Avenue  
Cocoa, Florida 32922  
(321) 633-5080  
Facsimile (321) 633-9322

CERTIFICATE OF FACSIMILE

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being sent by Mail to: Commissioner of Patents and Trademarks, Patent and Trademark Office, P O Box 1450, Alexandria, VA 22313-1450.

1/17/05  
Date

Brian S. Steinberger  
(Name of Person Mailing Papers)

  
(Signature of Person Mailing Papers)  
Customer no.: 23717